



# City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council  
City of Norfolk, Virginia

February 11, 2014

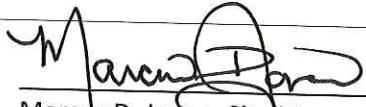
From: George M. Homewood, AICP CFM, Acting Planning Director

Subject: **Adult Use Special Exception for Hibachi Grill Supreme Buffet**

Reviewed:   
Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: 2/6

Approved:

  
Marcus D. Jones, City Manager

Item Number: **R-14**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Applicant:** Hibachi Grill Supreme Buffet – 5957 East Virginia Beach Boulevard, Suite 4
- IV. **Description:** This request will allow the existing restaurant, Hibachi Grill Supreme Buffet, to offer alcoholic beverages to their customers.

	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 10:30 p.m., Sunday through Thursday 11:00 a.m. until 11:30 p.m., Friday and Saturday
Seating Capacity	<ul style="list-style-type: none"><li>• 444 seats indoors</li><li>• 0 seats outdoors</li><li>• 544 total capacity</li></ul>

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

Attachment:

- Staff Report to CPC dated January 23, 2014 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

To the City Planning Commission  
City of Norfolk, Virginia

January 23, 2014

From: Matthew Simons, *MS*  
City Planner II

**Subject:** Special Exception to operate  
an Eating and Drinking Establishment  
at 5957 East Virginia Beach  
Boulevard, Suite 4 – Hibachi Grill  
Supreme Buffet

Reviewed: Leonard M. Newcomb III, *LNN*  
Land Use Services Manager

**Ward/Superward:** 4/7

Approved: *George M. Homewood*  
George M. Homewood, AICP, CFM  
Acting Planning Director

**Item Number:** 5

- I. **Recommendation:** Staff recommends approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** Hibachi Grill Supreme Buffet by Zhenhui Feng  
5957 East Virginia Beach Boulevard, Suite 4
- III. **Description:** The request will allow the existing restaurant, Hibachi Grill Supreme Buffet, to offer alcoholic beverages to their customers.
- IV. **Analysis**
  - The site is located within the Military Crossing Shopping Center in the 5900 block of East Virginia Beach Boulevard.

Plan Analysis

- The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

Zoning Analysis

- The site is located within a C-3 (Retail Center) zoning district which permits the proposed use by Special Exception.

	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 10:30 p.m., Sunday through Thursday 11:00 a.m. until 11:30 p.m., Friday and Saturday
Seating Capacity	<ul style="list-style-type: none"> <li>• 444 seats indoors</li> <li>• 0 seats outdoors</li> <li>• 544 total capacity</li> </ul>

Traffic Analysis

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

**V. Financial Impact**

The applicant is current on all real estate taxes.

**VI. Environmental**

- This site is located in a district that permits this use.
- The changes proposed to this use should not have an adverse impact on the surrounding uses.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on December 17.
- Letters were sent to the Glenrock and Lake Taylor Civic Leagues on January 6.
- Letters were mailed to all property owners within 300 feet of the property on January 8.
- Notice was sent to the civic leagues by the Department of Communications on January 8.
- Legal notification was placed in *The Virginian-Pilot* on January 9 and 16.

**VIII. Coordination/Outreach**

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

**Supporting Material from the Department of Planning and Community Development:**

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of Entertainment Establishments
- Application
- Letters to the Civic Leagues

## **Proponents and Opponents**


### **Proponents**


Zhenhui Feng – Applicant  
5957 East Virginia Beach Boulevard  
Norfolk, VA 23502

### **Opponents**

None



Form and Correctness Approved: 

By   
Office of the City Attorney

Contents Approved: 

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO HIBACHI BUFFET OF NORFOLK, INC. AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "HIBACHI GRILL SUPREME BUFFET" ON PROPERTY LOCATED AT 5957 EAST VIRGINIA BEACH BOULEVARD, SUITE 4.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Hibachi Buffet of Norfolk, Inc., authorizing the operation of an eating and drinking establishment named "Hibachi Grill Supreme Buffet" on property located at 5957 East Virginia Beach Boulevard, Suite 4. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 471 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 115 feet, more or less, from the eastern line of Glenrock Road and extending eastwardly, property also fronts 762 feet, more or less, along the eastern line of Glenrock, beginning 100 feet, more or less, from the southern line of East Virginia Beach Boulevard and extending southwardly; premises numbered 5957 East Virginia Beach Boulevard, Suite 4 and located in the Military Crossing shopping center.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:30 p.m. Sunday through Thursday, and from 11:00 a.m. until 11:30 p.m. on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed

444 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 544 people.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,



operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (l) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and

specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;



- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:  
Exhibit A (4 pages)



# City of Norfolk

## EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date of Application \_\_\_\_\_

Trade name of business: Hibachi GRILL SUPREME BUFFET

Address of business: 5957 E Va Beach Blvd, Norfolk, Ste 4

Name(s) of business owner(s): (Zhaochang Chen) Hibachi Buffet of Norfolk, Inc.

Name(s) of property owner(s): Robert Y. Shasha

Name(s) of business manager(s)/operator(s): ABC: LING BING DONG / SONG HUANG / YAN LIN / XUGUO DONG

Daytime telephone number: (757) 962-1088 Zhenhui Feng

\* If business or property owner is an LLC or Corporation, all partners must be listed.

### 1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>11</u> To <u>10:30</u>	Weekday	From <u>11</u> To <u>10:30</u>
Friday	From <u>11</u> To <u>11:30</u>	Friday	From <u>11</u> To <u>11:30</u>
Saturday	From <u>11</u> To <u>11:30</u>	Saturday	From <u>11</u> To <u>11:30</u>
Sunday	From <u>11</u> To <u>10:30</u>	Sunday	From <u>11</u> To <u>10:30</u>

2. Will indoor or outdoor entertainment be provided?  
(Entertainment consists of anything more than one, unamplified musician)  
☐ Yes (Different application required) ☒ No

3. Type of alcoholic beverage applied for:  
☒ Beer ☐ Wine ☒ Mixed Beverage

**Exhibit A**  
**Eating and Drinking Establishment**  
**Page 2**

4. Will video games, pool tables, game boards or other types of entertainment be provided?  
☐ Yes ☒ No

4a. If yes, please describe type and number of each game to be provided:

---

---

5. Will patrons ever be charged to enter the establishment?  
☐ Yes ☒ No

5a. If yes, why:

---

---

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday      Tuesday      Wednesday      Thursday      Friday

Saturday      Sunday

6. Will the facility or a portion of the facility be available for private parties?  
☒ Yes ☐ No

6a. If yes, explain:

We have a Private Party Room for customers (large group)  
to use when they dine in here at our restaurant.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569



**Exhibit A**  
**Eating and Drinking Establishment**  
**Page 3**

7. Will a third party (promoter) be permitted to lease, let or use the establishment?

☐ Yes ☒ No

7a. If yes, explain:

---

---

---

8. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

9. Will there ever be a minimum age limit?

☐ Yes ☒ No

10. Will there be smoking in the establishment?

☐ Yes ☒ No

11. Additional comments/description/operational characteristics:

---

---

  
Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet  
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

**a. Indoor**

Number of seats (not including bar seats) \_\_\_\_\_  
Number of bar seats \_\_\_\_\_  
Standing room \_\_\_\_\_

444  
0  
80

**b. Outdoor**

Number of seats \_\_\_\_\_

0

**c. Number of employees**

20

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 544

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)



**Location Map**

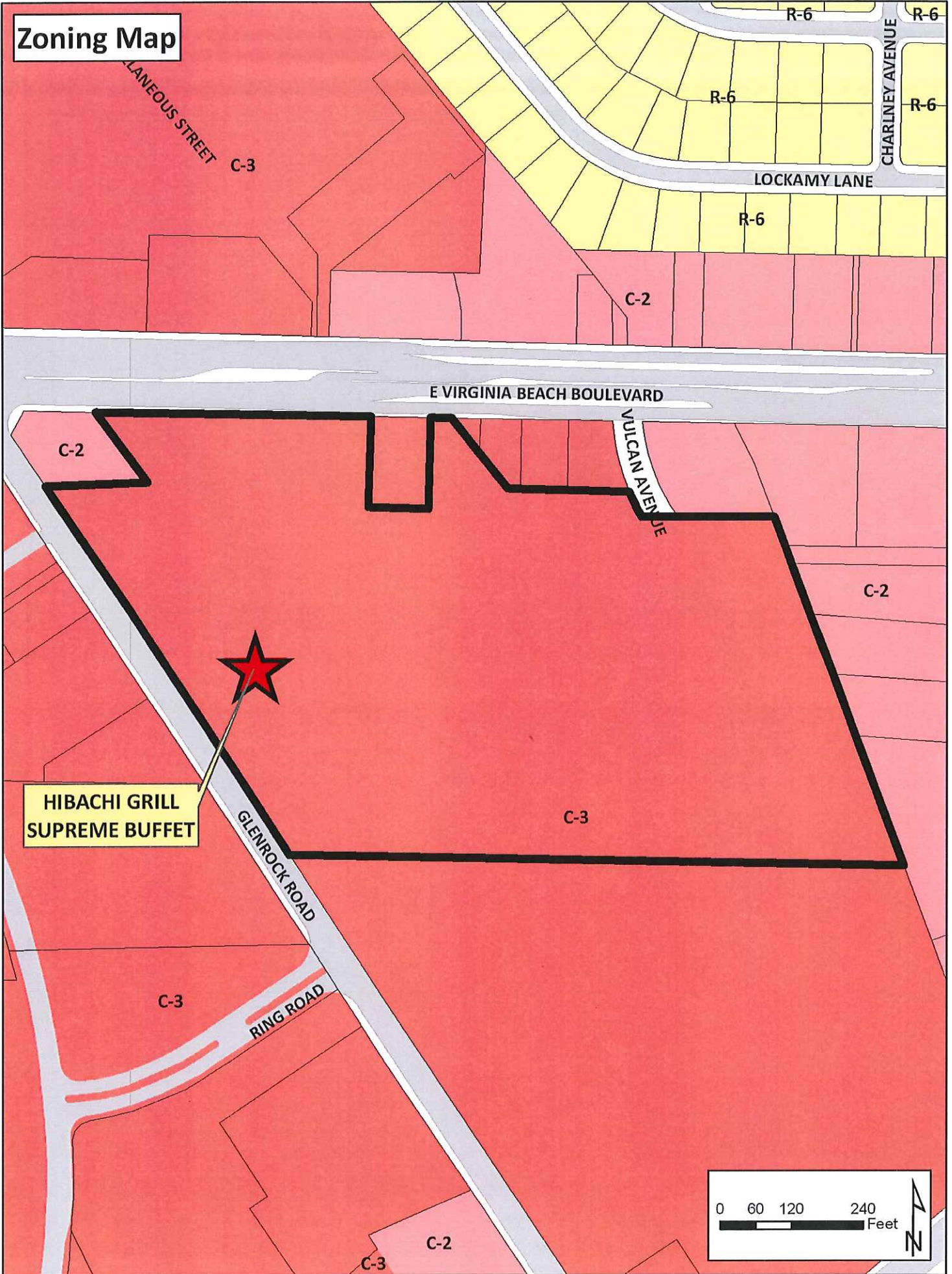


**HIBACHI GRILL  
SUPREME BUFFET**

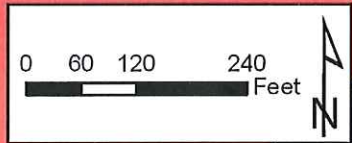




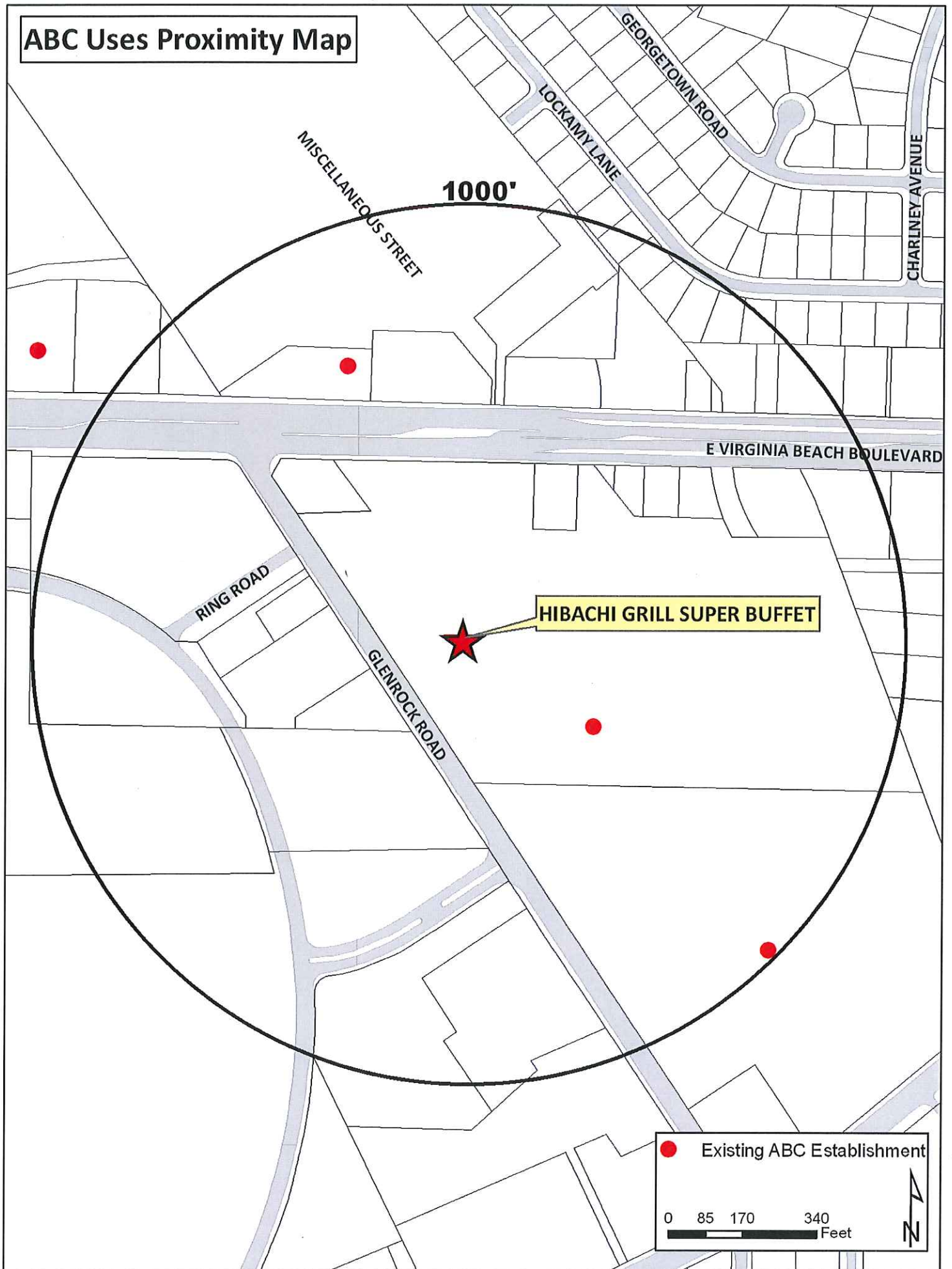
# Zoning Map



HIBACHI GRILL  
SUPREME BUFFET



# ABC Uses Proximity Map







# City of Norfolk

## APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT

Date of Application: 7/1/13

### DESCRIPTION OF PROPERTY

Property location: (Street Number) 5957 (Street Name) E Virginia Beach Blvd, Ste 4

Existing Use of Property Restaurant

Current Building Square Footage 26535 sq ft

Proposed Use Restaurant

Proposed Building Square Footage 26535 sq ft

Trade Name of Business (If applicable) Hibachi Grill Supreme Buffet

### APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) FENG (MI) \_\_\_\_\_  
(First) ZHENHUI

Mailing address of applicant (Street/P.O. Box): 5957 E Virginia Beach Blvd #4

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of applicant (404) 643-2967 Fax number (757) 963-8166

E-mail address of applicant: Hibachigrillbuffet@gmail.com

2. Name of property owner: (Last) Military Crossing Associates, LLC (MI) \_\_\_\_\_ (First) c/o Robert Shasha

Mailing address of property owner (Street/P.O. box): 550 Mamaroneck Ave

(City) Harrison (State) NY (Zip Code) 10528

Daytime telephone number of owner (914) 381-8040 Fax number ( ) \_\_\_\_\_

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569



Application  
Eating and Drinking Establishment  
Page 2

**CIVIC LEAGUE INFORMATION**

Civic League contact: Poplar Halls - Marvin Rawls 466-8523

Date(s) contacted: Lake Taylor - Delores Monaco - 450-7982 ; Glen rock - Mary Riley 321-3092

Ward/Super Ward information: \_\_\_\_\_

**REQUIRED ATTACHMENTS**

- ✓ Check for \$265.00 made payable to Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (see attached example).
- ✓ Completed Exhibit A, Description of Operations.
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED: \_\_\_\_\_

(Property owner or authorized agent signature)

10 / 23 / 13  
(Date)

SIGNED: \_\_\_\_\_

(Applicant signature)

10 / 24 / 13  
(Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

[illegible]

1. GENERAL CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED FOR THE PROJECT AND SHALL BE RESPONSIBLE FOR THE WORK, PERMIT FEES AND FOR THE OBTAINING OF ALL NECESSARY PERMITS.
  2. ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH LOCAL CODES AND ORDINANCES. THE GENERAL CONTRACTOR SHALL PROVIDE NECESSARY PROTECTION FOR EXISTING UTILITIES AND STRUCTURES.
  3. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND FOR THE OBTAINING OF ALL NECESSARY PERMITS.
  4. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND FOR THE OBTAINING OF ALL NECESSARY PERMITS.
- DOOR NOTES:**

[illegible]

1. ALL DOORS TO BE LOCKED AT 1:15 P.M.
2. ALL DOORS TO BE UNLOCKED AT 3:15 P.M.
3. INTERIOR DOORS TO BE LABELED AS TO INTENDED USE.
4. ALL DOOR DOORS SHALL PROVIDE PLAIN HARDWARE.
5. THE OPERATING DEVICE ON ALL DOORS SHALL BE CAPABLE OF OPERATION WITH ONE HAND.
6. SHALL NOT REQUIRE TIGHT CRANKING, TIGHT PUNCHING OR TWISTING OF THE WRIST TO OPERATE.
7. ALL DOORS TO BE LOCKED TYPE WITH DOOR CLOSERS AND 1/2" REINFORCED.

[illegible]

DOOR

DESIGN TO REMAIN

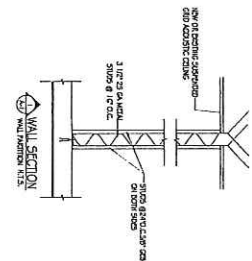
NO INTERIOR WALL 3'50" APART,  
3'50" DEPT. ON ONE SIDE,  
NO INTERIOR WALL 3'50" APART,  
3'50" DEPT. ON ONE SIDE, 3'50"  
3'50" DEPT. ON EACH SIDE 2' 11"

STRAIGHTEN WOODWORK  
DOORS TO REMAIN

NO INTERIOR WALL 3'50" APART,  
3'50" DEPT. ON ONE SIDE,  
NO INTERIOR WALL 3'50" APART,  
3'50" DEPT. ON ONE SIDE, 3'50"  
3'50" DEPT. ON EACH SIDE 2' 11"

FLOOR FINISH

DUCKBOARD LAMINATE FINISH  
WITH 50 MIL BACK UP  
DUCKBOARD LAMINATE FINISH  
WITH 50 MIL BACK UP  
TYPE 1000000 P. L.



ROBINSON ARCHITECTS P.C.  
55C DELANCEY STREET  
NEW YORK, N.Y. 10002  
(212) 966-7828

PROJECT NAME AND ADDRESS  
HIBACHI GRILL & SUPREME BURRIT  
3537 E. VOWING AVE. SUITE # 15  
NORFOLK, VA. 23502

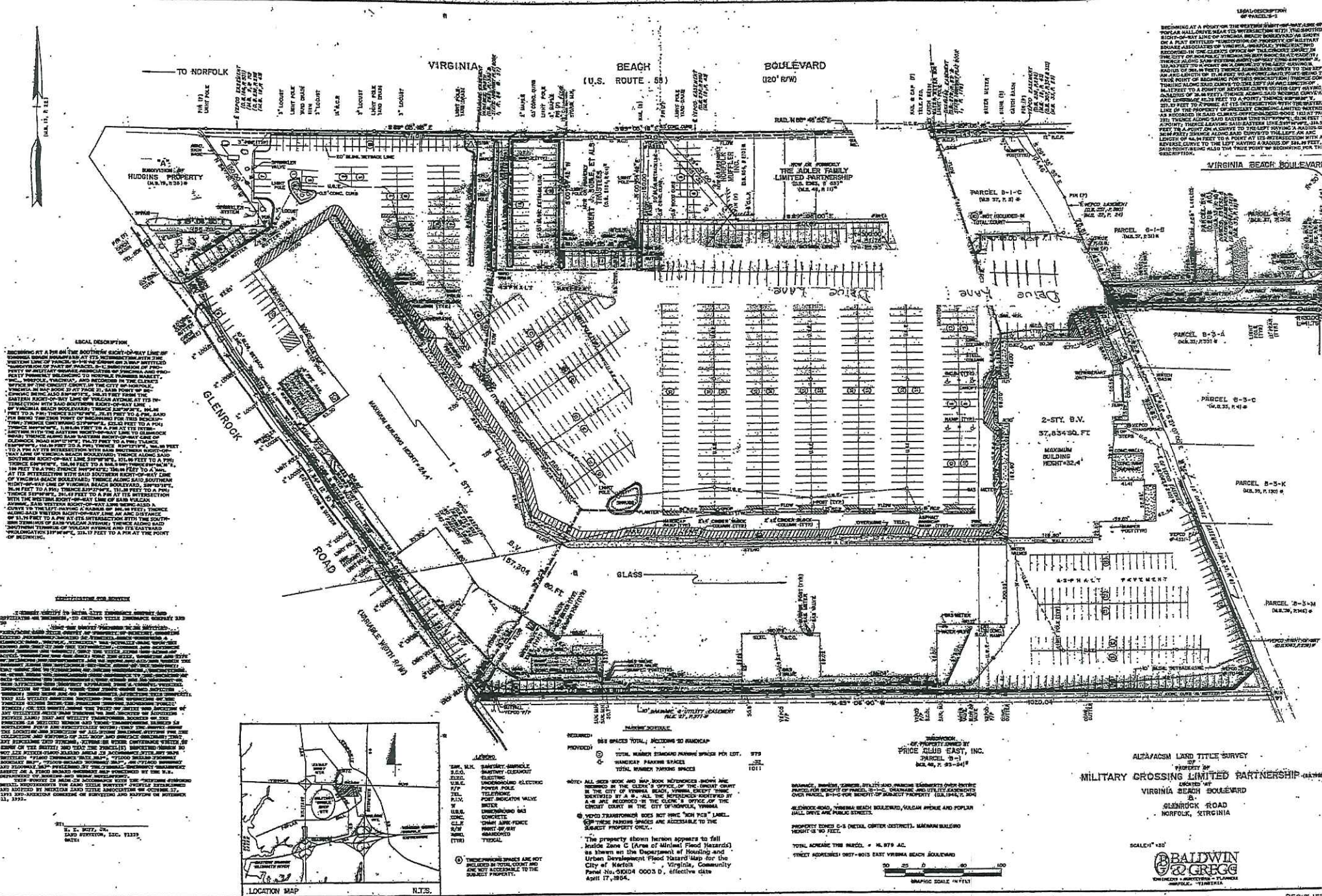
FIRST FLOOR PLAN

ROBINSON ARCHITECTS P.C.  
55C DELANCEY STREET  
NEW YORK, N.Y. 10002  
(212) 966-7828

PROJECT NAME AND ADDRESS  
HIBACHI GULLI & SURNAME BUYETT  
1000 E. 115  
NORFOLK, VA. 23502

**PROJECT NAME AND ADDRESS**  
HIBACHI GRILL & SUPREME BUFFET  
3937 E. VIRGINIA BEACH BLVD # 15  
NORFOLK, VA. 23502









December 6, 2014

Dee Monaco  
President, Lake Taylor  
P.O. Box 12753  
Norfolk, VA 23541

Dear Ms. Monaco:

The Planning Department has received an application for a Special Exception to operate an Eating and Drinking Establishment on property located at 5957 East Virginia Beach Boulevard, Suite 4. This item is tentatively scheduled for the January 23, 2014 City Planning Commission public hearing.

**Summary**

This request would allow the existing restaurant, Hibachi Grill Supreme Buffet, located in the Military Crossing Shopping Center, to offer alcoholic beverages to their customers.

	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 10:30 p.m., Sunday through Thursday 11:00 a.m. until 11:30 p.m., Friday and Saturday
Seating Capacity	<ul style="list-style-type: none"><li>• 444 seats indoors</li><li>• 0 seats outdoors</li><li>• 544 total capacity</li></ul>

If you would like additional information on the request, you may contact the applicant, Zhenhui Feng, at (404) 643-2967 or you may telephone Matthew Simons at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

George M. Homewood, AICP, CFM  
Acting Planning Director

cc: Jamie Goldin, Neighborhood Development Specialist  
[Jamie.Goldin@Norfolk.gov](mailto:Jamie.Goldin@Norfolk.gov) or (757) 823-4289



# City of NORFOLK

December 6, 2014

David Hicks  
President, Glenrock  
P.O. Box 12713  
Norfolk, VA 23541

Dear Mr. Hicks:

The Planning Department has received an application for a Special Exception to operate an Eating and Drinking Establishment on property located at 5957 East Virginia Beach Boulevard, Suite 4. This item is tentatively scheduled for the January 23, 2014 City Planning Commission public hearing.

## Summary

This request would allow the existing restaurant, Hibachi Grill Supreme Buffet, located in the Military Crossing Shopping Center, to offer alcoholic beverages to their customers.

	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 10:30 p.m., Sunday through Thursday 11:00 a.m. until 11:30 p.m., Friday and Saturday
Seating Capacity	<ul style="list-style-type: none"><li>• 444 seats indoors</li><li>• 0 seats outdoors</li><li>• 544 total capacity</li></ul>

If you would like additional information on the request, you may contact the applicant, Zhenhui Feng, at (404) 643-2967 or you may telephone Matthew Simons at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

George M. Homewood, AICP, CFM  
Acting Planning Director

cc: Jamie Goldin, Neighborhood Development Specialist  
[Jamie.Goldin@Norfolk.gov](mailto:Jamie.Goldin@Norfolk.gov) or (757) 823-4289